

LOCAL BANKRUPTCY RULE 1017-1

CONVERSION

(a) CONVERSIONS UPON DEBTOR'S FIRST REQUEST

- (1) ~~Unless the case has previously been converted, a~~ A debtor's motion to convert a case ~~notice of conversion~~ under 11 U.S.C. §§ 706(a) or 1112(a) ~~1208(a) or 1307(a), together with a proposed order thereon, must be filed and served on the standing trustee and United States trustee. No hearing is required for conversion. does not require notice and a hearing. Such motions shall comply with subparagraph (b) below and shall be served on the United States trustee in accordance with Local Bankruptcy Rule 2002-2(a). Notice of an order, if any, converting the case to another chapter shall be given by the clerk to all creditors and interested parties and to the United States trustee.~~
- (2) A debtor must request conversion under 11 U.S.C. § 1112(a) by motion filed and served as required by F.R.B.P. 9013, but the motion does not require a hearing.
- (3) A debtor must request conversion under 11 U.S.C. § 706(a) to a case under chapter 11, 12 or 13 by motion which, unless otherwise ordered by the court, may be granted only after notice of opportunity to request a hearing to the trustee, attorney for the trustee (if any), United States trustee, and parties in interest, as provided in Local Bankruptcy Rule 9013-1(g).
- (4) If the case is converted, the clerk will give notice of the order converting the case to another chapter to all creditors and interested parties and to the United States trustee.

(b) ADDITIONAL FEES ON CONVERSION OF A CASE

~~Any notice~~ A notice of conversion or motion for conversion, as the case may be, of a case shall ~~must~~ be accompanied by payment of the ~~additional~~ filing fee, if any, required for conversion of the case to the chapter for which conversion is sought. ~~cases under the chapter to which the moving party seeks conversion. If a conversion to chapter 11 is denied, the conversion fee~~ filing fee paid when the motion was filed will be reimbursed to the payor upon written request to the Fiscal Department of the clerk's office. A conformed copy of the order denying the conversion to chapter 11 shall ~~must~~ be attached to the request for reimbursement. If a conversion to chapter 7 is denied, there will be no refund of the filing fee paid when the motion was filed.

Court's Comment

2007 Revision

Paragraph (a) CONVERSIONS UPON DEBTOR'S REQUEST has been changed to delete the mention of "FIRST" in the title. The rule was modified to comply with the ruling in *Marrama v. Citizen's Bank of Mass.*, 127 S. Ct. 1105 (2007).

1998 Revision

Paragraph (a) CONVERSIONS UPON DEBTOR'S FIRST REQUEST. Former Local Bankruptcy Rule 111(7)(b). The first sentence retained; new second sentence added; *if any* added to the third sentence; last sentence of former Local Bankruptcy Rule deleted.

Paragraph (b) ADDITIONAL FEES ON CONVERSION OF A CASE. Former Local Rule 111(16). Paragraph retitled. *Motion to convert* changed to *notice or motion for conversion of* in the first sentence; *motion to convert* changed to *conversion* in the second sentence; *motion* changed to *conversion* in the last sentence.